



38 Hungerford Street – Hartford, CT 06106 – www.ctrestaurant.org
Phone: (860) 278-8008

Testimony before the Public Health Committee

March 15, 2013

Senate Bill 895 An Act Concerning Procedures for Serving Persons With Food Allergies

The Connecticut Restaurant Association represents over 500 restaurants and affiliated businesses across the state. Our members range from quick serve to casual to fine dining establishments. Restaurants in Connecticut take food allergens, foodborne illnesses, contamination, and the safety of their customers and staff very seriously.

Many establishments have their own specific procedures in place to address each of the aforementioned issues, but all are mandated by the Connecticut Public Health Code to employ a Qualified Food Operator. A qualified food operator is required by the Connecticut Public Health Code to be employed by any food service establishment, itinerant food vending establishment, or food catering establishment. A QFO is defined as a food operator employed in a full-time position who has demonstrated knowledge of safe food handling techniques. The detailed description of the responsibilities of a qualified food operator are attached to this testimony. Included in those responsibilities is a requirement to train all other food preparation personnel, maintain written documentation of a training program and training records of individual employees, and make those records available to the local health department upon request. If the qualified food operator is not on site, they are required to designate a trained alternate who is.

The Department of Public Health has jurisdiction regarding qualified food operator approved testing organizations. Attached to this testimony is a section of the ServSafe Manager book, a DPH approved testing organization, which addresses food allergens. In this section, food allergens are defined, as are symptoms and a list of common food allergens. That is followed by how to prevent allergic reactions and how to train service staff to describe dishes, identify ingredients, and suggest items and safe ways to deliver food to those with allergies. That is followed by guidelines for kitchen staff regarding cooking with different types of oils, putting foods on different surfaces, etc. The section concludes with ways to avoid cross-contamination. Each chapter of the ServSafe Manager book includes a chapter summary, chapter review case study, study questions and answers. At the end of the ServSafe class, a test is given and a score of 75% or above must be attained to pass and receive a ServSafe certificate, which then must be posted in the establishment.

While Senate Bill 895 is well intentioned, we believe that the Connecticut Public Health Code already addresses procedures for serving persons with food allergens and many restaurants go well above what is mandated by law to ensure the safety of their customers.

QUALIFIED FOOD OPERATOR

19-13B-42(s)(4), B48(j)(3), B49(t)(3) OF THE PUBLIC HEALTH CODE

Each person owning, operating or managing any food service establishment, itinerant food vending establishment, or food catering establishment designated either as a class III or class IV shall be a qualified food operator or shall employ on-site at least one (1) qualified food operator who is in a supervisory position at said establishment. Qualified Food Operator is a food operator employed in a full-time position who has demonstrated knowledge of safe food handling techniques. [Full-time position means 30 hours per week or the number of hours per week the food establishment is open for business, whichever is less.] Supervisory position means that position of a person who directs and inspects the performance of food service workers.

Responsibilities of Qualified Food Operators: The qualified food operator is responsible for operating the food service establishment, itinerant food vending establishment, and catering establishment in compliance with all the provisions of section 19-13-B42, B48, and B49 of the Regulations of Connecticut State Agencies. **The qualified food operator of each foodservice establishment, itinerant food vending establishment, and catering establishment is responsible for ensuring training of food preparation personnel.** All such personnel shall receive training that shall include but not necessarily be limited to: instruction in proper food temperature control; food protection; personal health and cleanliness; and sanitation of the facility, equipment, supplies and utensils. The qualified food operator shall maintain written documentation of a training program and training records of individual employees, and shall make these records available to the local health department upon request.

QUALIFIED FOOD OPERATOR NOT PRESENT

SECTION 19-13B-42(s)(8)(B), B48(j)(7)(B), AND B49(t)(7)(B)

The owner/operator of the food service establishment, itinerant food vending establishment, and catering establishment shall designate an alternate person who has complied with Section 19-13-B42(s)(6) to be in charge at all times when the qualified food operator cannot be present. This alternate person in charge shall be responsible for: ensuring that all employees comply with the requirements of this section, and that foods are safely prepared; handling emergencies; admitting the inspector; and receiving and signing their inspection report.

REPLACEMENT OF QUALIFIED FOOD OPERATOR

Section 19-13B-42(s)(7), B48(j)(6), B49(t)(6)

Whenever the qualified food operator terminates employment, is terminated or is transferred, the person owning, operating or managing the food service establishment, itinerant food vending establishment, and catering establishment shall notify the local health department in writing. A replacement qualified food operator shall be employed within sixty (60) days from the date of termination or transfer of the qualified food operator.

CLOSURE OF A FOOD ESTABLISHMENT FOR FAILURE TO EMPLOY ON-SITE A

QUALIFIED FOOD OPERATOR

Section 19-13B-42(u)(4), B49(v)(4)

If a qualified food operator is not employed onsite, except as provided by the qualified food operator replacement provision in Section 19-13B-42(s)(7), the food service establishment or catering establishment has thirty (30) days to comply. If correction has not been made after thirty (30) days, the Director of Health shall take immediate steps to close the food service establishment or catering establishment.

The Connecticut Public Health Code Sections Section 19-13-B42, B48, and B49 can be located at: www.ct.gov/dph



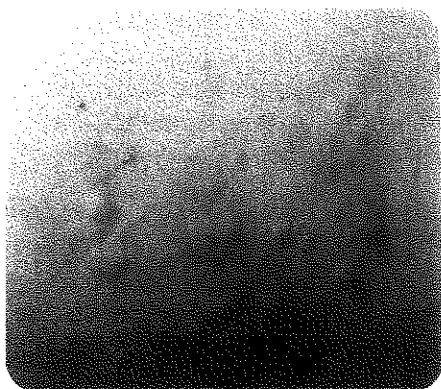
Food Allergens

A food allergen is a protein in a food or ingredient that some people are sensitive to. These proteins occur naturally. When enough of an allergen is eaten, an allergic reaction can occur. There are specific signs that a customer is having an allergic reaction. To protect your customers, you should be able to recognize these signs and know what to do. You also should know the types of food that most often cause allergic reactions to help prevent them from happening.

Allergy Symptoms

Depending on the person, an allergic reaction can happen just after the food is eaten or several hours later. This reaction could include some or all of these symptoms.

- * Nausea
- * Wheezing or shortness of breath
- * Hives or itchy rashes, as shown in the photo at left
- * Swelling of various parts of the body, including the face, eyes, hands, or feet
- * Vomiting and/or diarrhea
- * Abdominal pain



Initially symptoms may be mild, but they can become serious quickly. In severe cases, anaphylaxis—a severe allergic reaction that can lead to death—may result. If a customer is having an allergic reaction to food, call the emergency number in your area.

Common Food Allergens

Many food items can cause an allergic reaction. You and your staff must be aware of the most common food allergens and the menu items that contain them.

These food items are responsible for the majority of food allergies and can cause severe allergic reactions.

- | | |
|--|---|
| * Milk | * Wheat |
| * Eggs | * Soy |
| * Fish | * Peanuts |
| * Shellfish, including lobster, shrimp, and crab | * Tree nuts, such as almonds, walnuts, and pecans |

Preventing Allergic Reactions

Both service staff and kitchen staff need to do their parts to avoid serving food that can cause an allergic reaction. Note that these policies would also apply to addressing a food sensitivity that a customer mentions (for example, a gluten intolerance).

Service Staff

Your staff should be able to tell customers about menu items that contain potential allergens. At minimum, have one person available per shift to answer customers' questions about menu items. When customers say they have a food allergy, your staff should take it seriously. They must be able to do the following.

Describing dishes Tell customers how the item is prepared. Sauces, marinades, and garnishes often contain allergens. For example, peanut butter is sometimes used as a thickener in sauces or marinades. This information is critical to a customer with a peanut allergy.

Identifying ingredients Identify any "secret" ingredients. For example, your operation may have a house specialty that includes an allergen. While you may not want to share the recipe with the public, staff must be able to tell the secret ingredient to a customer who asks.

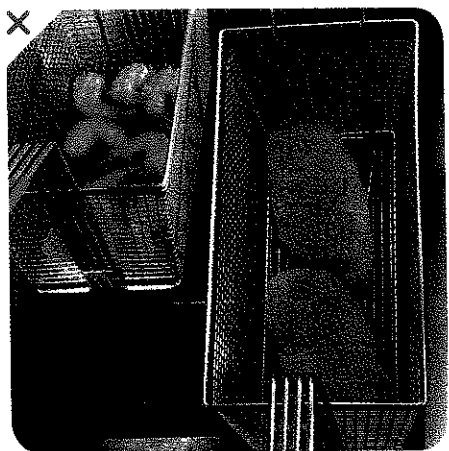
Suggesting items Suggest simple menu items. Complex items such as casseroles, soups, and some desserts may contain many ingredients. These can be difficult to fully describe to customers.

Delivering food Food should be hand-delivered to guests with allergies. Delivering food separately from the other food delivered to a table, as shown in the photo at left, will help prevent contact with food allergens.



Kitchen Staff

Staff must make sure that allergens are not transferred from food containing an allergen to the food served to the customer. This is called cross-contact. Here are a few examples of how it can happen.



- Cooking different types of food in the same fryer oil can cause cross-contact. In the photo at left, shrimp allergens could be transferred to the chicken being fried in the same oil.
- Putting food on surfaces that have touched allergens can cause cross-contact. For example, putting chocolate chip cookies on the same parchment paper that was used for peanut butter cookies can transfer some of the peanut allergen.



How to Avoid Cross-Contact

- Wash, rinse, and sanitize cookware, utensils, and equipment after handling a food allergen. For example, the tongs used to sauté a dish containing slivered almonds in the photo at left are then washed, rinsed, and sanitized before being reused.
- Wash your hands and change gloves before prepping food.
- Use separate fryers and cooking oils when frying food for customers with food allergies.
- Prep food for customers with food allergies in a separate area from other food.
- Label food packaged on-site for retail sale. Name all major allergens on the label and follow any additional labeling requirements.

Apply Your Knowledge

Identify the Symptoms

Write an **X** next to the symptoms that could indicate a customer is having an allergic reaction.

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|--------------------|----------------------------|---------------------------------|
| ① _____ Nausea | ⑥ _____ Hives | ⑪ _____ Shortness of breath |
| ② _____ Bruising | ⑦ _____ Swollen face | ⑫ _____ Tightening in the chest |
| ③ _____ Sneezing | ⑧ _____ Abdominal pain | ⑬ _____ Tingling in arms |
| ④ _____ Coughing | ⑨ _____ Swollen abdomen | ⑭ _____ Diarrhea |
| ⑤ _____ Itchy rash | ⑩ _____ Increased appetite | |

The Most Common Food Allergens

Write an **X** next to a food if it is or has a common food allergen.

- | | | |
|-----------------------|-----------------------|--------------------------------|
| ① _____ Tea | ⑦ _____ Potatoes | ⑬ _____ Squash and eggplant |
| ② _____ Cod | ⑧ _____ Mushrooms | ⑭ _____ Soybeans |
| ③ _____ Wheat flour | ⑨ _____ Tomatoes | ⑮ _____ Rice and rice products |
| ④ _____ Melons | ⑩ _____ Pecan pie | ⑯ _____ Omelet |
| ⑤ _____ Peanut butter | ⑪ _____ Citrus fruit | ⑰ _____ Vanilla ice cream |
| ⑥ _____ Crab legs | ⑫ _____ Green peppers | |

For answers, please turn to page 2.26.

Chapter Summary

- * Contamination is the presence of harmful substances in food. Those substances can be biological, chemical, or physical.
- * Pathogens are disease-causing microorganisms that make you sick when you eat them. Others produce poisons—or toxins—that make you sick. There are four types of pathogens that can contaminate food and cause foodborne illness. These are viruses, bacteria, parasites, and fungi.
- * Some common symptoms of foodborne illness include diarrhea, vomiting, fever, nausea, abdominal cramps, and jaundice. Onset times will depend on the type of foodborne illness a person has.
- * Bacteria cannot be seen, smelled, or tasted. If conditions are correct, bacteria will grow rapidly. The most important prevention measure is to control time and temperature. Bacteria need six conditions to grow. They can be remembered by the word FAT TOM. It stands for food, acidity, temperature, time, oxygen, and moisture. You will most likely be able to control only time and temperature.
- * *Salmonella* Typhi, *Shigella* spp., and enterohemorrhagic and shiga toxin-producing *Escherichia coli* are highly contagious and can cause severe illness. Food handlers diagnosed with illnesses from these bacteria can never work in a foodservice operation while they are sick.
- * Viruses require a host to grow. People can get viruses from food, water, or contaminated surfaces. Many viruses are transferred through the fecal-oral route. Most are not destroyed by normal cooking temperatures. That's why it's important to practice good personal hygiene when handling food and food-contact surfaces.
- * Hepatitis A and Norovirus are highly contagious and can cause severe illness. Food handlers diagnosed with illnesses from these viruses can never work in a foodservice operation while they are sick.
- * Parasites require a host to live and reproduce. They are commonly associated with seafood and food processed with contaminated water. The most important measure for preventing parasites from causing a foodborne illness is to purchase food from approved, reputable suppliers. Fungi include mold, yeasts, and mushrooms. Like parasites, they are prevented by purchasing food from approved, reputable suppliers.
- * Some toxins cannot be destroyed by cooking or freezing. The most important way to prevent a foodborne illness is to purchase plants, mushrooms, and seafood from approved, reputable suppliers. It is also important to control time and temperature when handling raw fish.

- Chemical contaminants include toxic metals, cleaners, sanitizers, polishes, and machine lubricants. To help prevent chemical contamination, store chemicals away from prep areas, food storage areas, and service areas. Always follow the manufacturers' directions when using chemicals.
- Physical contamination can happen when objects get into food. Naturally occurring objects, such as bones in a fish fillet, are a physical hazard. Closely inspect the food you receive. Make sure no physical contaminants can get into it at any point during the flow of food.
- People may try to tamper with food using biological, chemical, physical, or even radioactive contaminants. The key to protecting food is to make it hard for someone to tamper with it.
- A food allergen is a naturally occurring protein in a food or ingredient that some people are sensitive to. The most common food allergens include milk, eggs, fish, shellfish, wheat, soy, peanuts, and tree nuts. Service staff must be able to tell customers about menu items that contain potential allergens. Kitchen staff must make sure that allergens are not transferred from food containing an allergen to the food served to the customer with allergies.